

# EXHIBIT A

## Case Information

## ROBERTS VS FIRST CLEARING LLC

23-A-04168-9

Location	Case Category	Case Type	Case Filed Date
Gwinnett - Superior Court	Civil	Tort - General	5/15/2023
Judge	Case Status		
Mason, Tracey D	Open (Pending)		

Parties <sup>3</sup>

Type	Name	Nickname/Alias	Attorneys
Plaintiff	CATHERINE ROBERTS		WILLIAM R CARLISLE
Plaintiff	MATTHEW ROBERTS		WILLIAM R CARLISLE
Defendant	FIRST CLEARING LLC	FIRST CLEARING WELLS FARGO ADVISORS LLC WELLS FARGO CLEARING SERVICES LLC	WILLIAM R CARLISLE

Events <sup>5</sup>

Date	Event	Type	Comments	Documents
5/15/2023	Filing	Complaint/Petition	BY PLAINTIFF	Complaint-Matthew Roberts-WFCS.pdf
5/15/2023	Filing	General Civil/Dom Relations Case Filing Form	Gwinnett County Case Information Sheet	General Civil/Dom Relations Case Filing Form.pdf
5/15/2023	Filing	General Civil/Dom Relations Case Filing Form	BY PLAINTIFF	GCIV-ROBERTSW.pdf
5/15/2023	Filing	Summons	TO DEFENDANT	Summons-Roberts.pdf
5/18/2023	Filing	Sheriff/Marshall's Service		Sheriffs Entry of Service.tif

**IN THE SUPERIOR COURT OF GWINNETT COUNTY  
STATE OF GEORGIA**

**MATTHEW ROBERTS &** )  
**CATHERINE ROBERTS,** )  
**PLAINTIFFS,** )

**-versus-** )

**FIRST CLEARING, LLC, a/k/a** )  
**First Clearing, Wells Fargo** )  
**Advisors, LLC, Wells Fargo** )  
**Clearing Services, LLC,** )  
**DEFENDANT.** )

**CIVIL ACTION FILE NO.:** 23-A-04168-9

**COMPLAINT**

**COMES NOW** the plaintiff in the above styled action, who sets forth his Complaint by stating and alleging as follows:

**I.  
JURISDICTION & VENUE**

1. The defendant in this action, **First Clearing Services, LLC** (hereinafter referred to as “WFCS” or “defendant”), is a foreign limited liability corporation doing business within this state.
2. Service of process and summons in this action may be served to the defendant’s registered agent, **Corporation Service Company**, at the address for the registered office shown in Secretary of State records as **2 Sun Court, Suite 400, Peachtree Corners, GA 30092**.
3. The defendant is a resident of the State of Georgia and is subject to the exercise of personal jurisdiction by this Court.
4. Gwinnett County is the proper venue for this action.

**II.  
SUMMARY OF RELEVANT FACTS**

**A.  
Plaintiffs’ Investment Account**

5. The plaintiffs in this action opened an investment account with the defendant on or about 02/18/2016. See Account Agreements attached as Exhibit 1.
6. As shown in the parties' "Client Agreement," the account was held as a joint account with rights of survivorship.
7. The parties' Client Agreement identifies the plaintiffs singularly and collectively as "*you*," "*your*," "*the Undersigned*," and "*Account Holder*."
8. The parties' Client Agreement identifies the defendants plurally and collectively as "*we*," "*Our*," "*Ours*," and "*Us*."
9. With respect to the defendants, the Client Agreement identifies "*Wells Fargo Advisors, LLC*" (hereinafter "*WFCS*") and "*First Clearing, LLC*" (hereinafter "*FCC*") as affiliates and states that "*Each Affiliate is a separate legal entity, none of which is responsible for the obligations of the other.*"
10. The Client Agreement identifies FCC's relationship to the parties' investment account by stating that, "*First Clearing, LLC ("FCC") will act as the broker that will carry the Account and extend credit on any margin purchases.*"
11. Under Section 8 of the Client Agreement, the plaintiffs were informed in relevant part that, "*you shall be subject to a lien, a continuing and perfected security interest, and a right of set-off for the discharge of any and all indebtedness or any other obligation you may have to us.*"
12. On the plaintiffs' Account Application, under the section titled "Investor Information," the "source of funds" is identified as "*Savings (From Earnings).*"

#### **B.**

#### **Liquidation & Sale of Plaintiffs' Assets**

13. On or about 03/23/2023, the defendant liquidated the securities in the plaintiffs' account and withdrew all funds, leaving a \$0.00 balance.
14. Prior to the liquidation and withdrawal of funds, the account balance was approximately \$373,147.46.
15. After the liquidation and withdrawal of plaintiffs' funds, their investment account was closed.

#### **C.**

#### **Plaintiffs' Line of Credit**

16. After opening their investment account, the plaintiffs obtained a line of credit from the defendant, or one of its affiliates, that was secured and collateralized by the funds held in their investment account.

17. At no time prior to the liquidation of securities and withdrawal of funds from their investment account did the plaintiffs receive notice that they had defaulted or breached the terms of their credit line agreement.
18. Other than the line of credit, the funds in the plaintiffs' investment account were not being held as security for any other indebtedness.
19. The plaintiffs have incurred no other indebtedness authorizing the liquidation, sale, and closure of their investment account.

### **COUNT ONE – CONVERSION**

20. The allegations at paragraphs 1-19 are herein re-averred as if set forth verbatim.
21. In the absence of any breach of the terms of the investment account, the defendant unlawfully exercised dominion and control over the plaintiffs' property by liquidating securities and withdrawing all funds from the plaintiffs' investment account.
22. The plaintiffs were the named account holders having title and the right to possession of funds and assets in the account.
23. The defendant's conduct was intentional, tortious and amounts to an unlawful conversion of the plaintiff's property.
24. The plaintiffs have suffered directly and proximately incurred financial and other injuries and loss from the defendant's conduct.
25. The plaintiffs are entitled to recover their actual and special damages from the defendant in an amount equal to the value of the securities at the time of their liquidation, plus all accruing pre-judgment interest at the legal rate.

### **COUNT TWO – PUNITIVE DAMAGES**

26. The allegations at paragraphs 1-25 are herein re-averred as if set forth verbatim.
27. The defendant's actions as described in Count One above, were knowing, intentional, and evince an entire want of care and reckless disregard for the consequences of their actions.
28. The defendant's conduct authorizes an award of punitive damages, pursuant to OCGA 51-12-5.1, in an amount that is sufficient to deter further conduct of this type and to punish the defendant.

### **COUNT THREE – ATTORNEY'S FEES & COSTS OF LITIGATION**

29. The allegations at paragraphs 1-25 are herein re-averred as if set forth verbatim.
30. The defendant's actions involve tortious conduct, have created unnecessary trouble and expense for the plaintiffs, and demonstrate the defendant's bad faith, authorizing an award of attorney's fees and litigation costs under OCGA § 51-12-7 and OCGA § 13-6-11.

**WHEREFORE**, the plaintiff seeks the following relief:

- a.) Special and actual damages in an amount no less than \$373,147.46, plus pre-judgment interest at the legal rate, accruing since 03/23/2023;
- b.) General damages presumed to flow from the defendant's tortious conduct in amounts to be determined by the enlightened conscience of an impartial jury;
- c.) Punitive damages;
- d.) Attorney's fees and costs of litigation;
- e.) A trial by jury;
- f.) Any and all other and further relief deemed just and proper.

Respectfully submitted,  
/s/ William R. Carlisle  
William R. Carlisle  
Attorney for Plaintiffs  
GA Bar No.: 110382

**CARLISLE LAW FIRM**  
P.O. Box A  
Winder, GA 30680  
(770) 295-0175  
wrclaw@gmail.com

23-A-04168-9

5/15/2023 10:04 AM

TIANA P. GARNER, CLERK

## General Civil and Domestic Relations Case Filing Information Form

☒ Superior or ☐ State Court of Gwinnett Superior Court County

## For Clerk Use Only

Date Filed \_\_\_\_\_  
MM-DD-YYYYCase Number 23-A-04168-9

## Plaintiff(s)

ROBERTS, MATTHEW

Last First Middle I. Suffix Prefix

ROBERTS, CATHERINE

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

## Defendant(s)

FIRST CLEARING, LLC

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Plaintiff's Attorney William R. CarlisleState Bar Number 110382Self-Represented ☐

Check one case type and one sub-type in the same box (if a sub-type applies):

## General Civil Cases

- ☐ Automobile Tort  
☐ Civil Appeal  
☐ Contempt/Modification/Other Post-Judgment  
☐ Contract  
☐ Garnishment  
☐ General Tort  
☐ Habeas Corpus  
☐ Injunction/Mandamus/Other Writ  
☐ Landlord/Tenant  
☐ Medical Malpractice Tort  
☐ Product Liability Tort  
☐ Real Property  
☐ Restraining Petition  
☒ Other General Civil

## Domestic Relations Cases

- ☐ Adoption  
☐ Contempt  
☐ Non-payment of child support, medical support, or alimony  
☐ Dissolution/Divorce/Separate Maintenance/Alimony  
☐ Family Violence Petition  
☐ Modification  
☐ Custody/Parenting Time/Visitation  
☐ Paternity/Legitimation  
☐ Support – IV-D  
☐ Support – Private (non-IV-D)  
☐ Other Domestic Relations

☐ Check if the action is related to another action pending or previously pending in this court involving some or all of the same: parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number

Case Number

☒ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in OCGA § 9-11-7.1.

☐ Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.

Language(s) Required

☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.

## General Civil and Domestic Relations Case Filing Information Form

☒ Superior or ☐ State Court of GWINNETT County

## For Clerk Use Only

Date Filed 05-15-2023  
MM-DD-YYYYCase Number 23-A-04168-9

## Plaintiff(s)

ROBERTS, MATTHEW

Last	First	Middle I.	Suffix	Prefix
CATHERINE	ROBERTS			

Last	First	Middle I.	Suffix	Prefix

Last	First	Middle I.	Suffix	Prefix

Last	First	Middle I.	Suffix	Prefix

Plaintiff's Attorney WILLIAM R. CARLISLE

## Defendant(s)

FIRST CLEARING, LLC

Last	First	Middle I.	Suffix	Prefix

Last	First	Middle I.	Suffix	Prefix

Last	First	Middle I.	Suffix	Prefix

Last	First	Middle I.	Suffix	Prefix

Bar Number 110382Self-Represented ☐

## Check One Case Type in One Box

## General Civil Cases

- ☐ Automobile Tort  
☐ Civil Appeal  
☐ Contract  
☐ Garnishment  
☒ General Tort  
☐ Habeas Corpus  
☐ Injunction/Mandamus/Other Writ  
☐ Landlord/Tenant  
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## Domestic Relations Cases

- ☐ Adoption  
☐ Dissolution/Divorce/Separate Maintenance  
☐ Family Violence Petition  
☐ Paternity/Legitimation  
☐ Support – IV-D  
☐ Support – Private (non-IV-D)  
☐ Other Domestic Relations

## Post-Judgment – Check One Case Type

- ☐ Contempt  
☐ Non-payment of child support, medical support, or alimony  
☐ Modification  
☐ Other/Administrative

- ☐ Check if the action is related to another action(s) pending or previously pending in this court involving some or all of the same parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number

Case Number

- ☒ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in O.C.G.A. § 9-11-7.1.

- ☐ Is an interpreter needed in this case? If so, provide the language(s) required. \_\_\_\_\_  
Language(s) Required

- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.



IN THE SUPERIOR COURT OF GWINNETT COUNTY

STATE OF GEORGIA

**MATTHEW ROBERTS**

**CATHERINE ROBERTS**

CIVIL ACTION **23-A-04168-9**  
NUMBER: \_\_\_\_\_

PLAINTIFF

VS.

**FIRST CLEARING, LLC**

DEFENDANT

**SUMMONS**

TO THE ABOVE NAMED DEFENDANT:


You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

**WILLIAM R. CARLISLE**  
**4607 CARDINAL RIDGE WAY**  
**FLOWERY BRANCH, GA 30542**

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

15th day of May, 2023  
This \_\_\_\_\_ day of \_\_\_\_\_, 20**23**.

Tiana P. Garner  
Clerk of Superior Court

By  \_\_\_\_\_  
Deputy Clerk

INSTRUCTIONS: Attach addendum sheet for additional parties if needed, make notation on this sheet if addendum sheet is used.

Civil Action No. 23A04168-9Date Filed 05/15/2023

Attorney's Address

William R. Carlisle  
4607 Cardinal Ridge Way  
Flower Branch, GA 30542

Name and Address of party to be served.

First Clearing, LLC 40 Corp. St. Co. (L.A.)  
2 Sun Court, Suite 400  
Peachtree Corners, GA 30092Magistrate Court ☐  
Superior Court ☒  
State Court ☐  
Georgia, Gwinnett CountyMatthew RobertsCatherine Roberts

VS.

First Clearing, LLC

Plaintiff

Defendant

## Sheriff's Entry Of Service

Personal ☐

I have this day served the defendant \_\_\_\_\_ personally with a copy of the within action and summons.

Notorious ☐

I have this day served the defendant \_\_\_\_\_ a copy of the action and summons at his most notorious place of abode in this County.

Delivered same into hands of \_\_\_\_\_ described as follows  
age, about \_\_\_\_\_ years; weight, about \_\_\_\_\_ pounds; height, about \_\_\_\_\_ feet and \_\_\_\_\_ inches; domiciled at  
the residence of defendant.Corporation ☒Served the defendant First Clearing, LLC a corporation  
by leaving a copy of the within action and summons with Alisha Smith  
in charge of the office and place of doing business of said Corporation in this County.Tack & Mail ☐

I have this day served the above styled affidavit and summons on the defendant(s) by posting a copy of the same to the \_\_\_\_\_ of the premises designated in said affidavit, and on the same day of such posting by depositing a true copy of same in the United States Mail, First Class in an envelope properly addressed to the defendant(s) at the address shown in said summons, with adequate postage affixed thereon containing notice to the defendant(s) to answer said summons at the place stated in the summons.

Non Est ☐Diligent search made and defendant \_\_\_\_\_  
not to be found in the jurisdiction of this Court.This 16 day of May, 2023.

Sheriff Docket \_\_\_\_\_ Page \_\_\_\_\_

J Williams 801139  
Deputy  
Gwinnett County, Georgia

WHITE: Clerk

CANARY: Plaintiff / Attorney

PINK: Defendant

SC-2 Rev.3.13

Printed: 5/15/2023 3:52:06PM  
By: alewis

Servee Count 1 of 1

## Gwinnett County Sheriff's Office Cover Sheet



**Sheriff #:** 23015432



**Person Served:** FIRST CLEARING LLC  
SUITE 400  
2 SUN COURT  
PEACHTREE CORNERS GA 30092  
PHONE:

### Process Information:

Date Received: 05/15/2023

Assigned Zone: 2 Sun Court

Court Case #: 23-A-04168-9

Expiration Date:

Hearing Date:

Paper Types: COMPLAINT

Notes/Alerts:

### Notes:

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